IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 4060 of 2004
with
Civil Application No.489 of 2007
in
First Appeal No.1247 of 2004

1. Vijaykumar Pille & anr. ..Applicants

vs.

1. Sitladevi Temple Charitable
Trust and others ...Respondents

Shri Tolat i/b M/s L.C.Tolat & Co. for applicants.
Shri R.S.Apte i/b Shri M.S.Lagu for respondent no.1.

CORAM: S.B.MHASE &
Smt.NISHITA MAHTRE JJ.
13th February, 2007

P.C.

1. Heard.

2. Both these civil applications have been filed by the appellants who are the defendants in Special Civil Suit No.777 of 2003 decided by 4th Additioanl Judge, Small Causes Court, Pune on 30th April, 2004. That was a suit filed by the respondent Sitladevi Temple Charitable Trust as against the present appellants/applicants. By the impugned decree it has been declared that the plaintiffs/respondent have occupancy rights in respect of the suit property H.No.604,

Sachapir Street, Pune. The original defendant nos. 6 and 7 who are also appellant before this Court were prohibited by permanent injunction from causing any detrimental act to the plaintiff's occupancy right and from carrying out construction or development on the suit property either by themselves or through their servants or anybody claiming through them. This decree is under challenge in this appeal. The appeal is already admitted and the above referred civil applications are being heard today.

3. By the above referred applications the appellants are claiming stay of the impugned decree and also further claiming injunction that respondents shall not create any third party interest in the suit property and shall not develop and/or extend the said property.

4. We have noticed that the property in question is of a public Charitable Trust and belonging to Sitladevi Temple. The Trustees interse are fighting in respect of the said property and are trying to take over the property as an individual property. That appears to be so, so far as the appellants are concerned because the appellants have made a

claim in respect of the said property claiming that the property belongs to them. The said claim has been negatived by the Trial Court. At this stage we find it appropriate that the parties shall maintain the statusquo in respect of the property in dispute till final disposal of the suit. Therefore, we are niot in favour of granting stay to the decree as prayed in the above referred civil applications. However, we pass the following order in both the civil applications.

. Both the parties, namely, appellants and respondents are hereby restrained from transferring, creating any third party interest in the suit properties of the Trust. Both the appellants and respondents are further restrained from making any development, extensions of the suit property except the essential repairs which were required for the purpose of maintaining the property.

. With these directions the civil applications are disposed of.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**